

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARK LEE MILLER and JULIE ANN)	
SCHERF, personally and as the)	No. CV-07-3107-RHW
personal representatives of)	
the minor children, C.R.M. and)	REPORT AND RECOMMENDATION
L.A.M.,)	TO CLOSE FILE
)	
Plaintiffs,)	
)	
v.)	
)	
SUPERIOR COURT OF WASHINGTON,)	
et al.,)	
)	
Defendants.)	

By Order filed December 21, 2007, the Plaintiffs were directed to proffer the full filing fee, show cause why prepayment would be inappropriate, or submit a properly completed Application to Proceed *In Forma Pauperis* within thirty days.

There has been no response to the court's Order. Accordingly, **IT IS RECOMMENDED** the file of the captioned matter be **CLOSED**.

OBJECTIONS

Any party may object to a magistrate judge's proposed findings, recommendations or report within ten (10) days following service with a copy thereof. Such party shall file written objections with the Clerk of the Court and serve objections on all parties, specifically identifying any the portions to which objection is being made, and the basis therefor. Any response to the objection

1 shall be filed within ten (10) days after receipt of the objection.
2 Attention is directed to Fed. R. Civ. P. 6(e), which adds another
3 three (3) days from the date of mailing if service is by mail.

4 A district judge will make a de novo determination of those
5 portions to which objection is made and may accept, reject, or
6 modify the magistrate judge's determination. The judge need not
7 conduct a new hearing or hear arguments and may consider the
8 magistrate judge's record and make an independent determination
9 thereon. The judge may, but is not required to, accept or consider
10 additional evidence, or may recommit the matter to the magistrate
11 judge with instructions. *United States v. Howell*, 231 F.3d 615, 621
12 (9th Cir. 2000); 28 U.S.C. § 636(b)(1)(B) and (C), Fed. R. Civ. P.
13 73; LMR 4, Local Rules for the Eastern District of Washington.

14 A magistrate judge's recommendation cannot be appealed to a
15 court of appeals; only the district judge's order or judgment can be
16 appealed.

17 The Clerk of the Court is directed to file this Report and
18 Recommendation and provide a copy to Plaintiff and to Chief Judge
19 Whaley.

20 DATED March 31, 2008.

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22 S/ CYNTHIA IMBROGNO
23 UNITED STATES MAGISTRATE JUDGE
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